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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,492	08/31/2006	Andreas Witzel	P18479-US1	6299

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EXAMINER	
SHAMOULIAN, MITRA E	
ART UNIT	PAPER NUMBER
4192	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/598,492	WITZEL ET AL.	
	Examiner	Art Unit	
	MITRA SHAMOULIAN	4192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/31/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims15-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Chu et al. (Pub No: US 2003/0210659).

Claim 15, Chu discloses, a method for transferring media data subject to coding or decoding performed by a codec, the data, the data including audio data, video data or a combination (Page 2,§ 0030) between at least two terminating devices (Fig. 1, el. 14, 24) in a telecommunications network (Fig.1) utilizing a network node, the method comprising the steps of:

receiving information about codecs supported on a communication path between the network node(Codec support, Fig. 2 el. 38) and one of the at least two terminating devices (Fig. 2, el. 30):

providing a list of codec types or configurations or both that are supported by:

the network node (Fig. 2 el. 38):

the one of the at least two terminating devices (Fig. 2, el. 30); and

all the network nodes in the communication path between the network node and one of the at least two terminating devices (Fig. 1, el. 1, 12, 10, 20, 18, 22, 24):

comparing (codec selector, Fig. 2, el. 40, 42; Page 3, § 0034) the received information about codecs (Table 2, Mobile24/Base station 18) with the list of codec types or configuration or both (data base, Fig. 2, el. 44; Table 2, Mobile 14/Base station10); and

wherein the codec types or configurations or both that are supported directly form a first part of the list (codec set, Fig. 2, el. 38; Table 2)

utilizing the list of codec types or configurations or both for coding or decoding or both if at least one transcoding is implemented in the communication path (page 4, §0052, lines 5-8; §0053, line 6), wherein the codec types or configurations or both that are supported directly form a first part of the list (codec set, Fig. 2, el. 38; Table 2) and codec types or configurations or both that can be used only if the at least one transcoding is implemented form a second part of the list (page 4, §0052, lines 5-8), wherein the first part of the list and the second part of the list are separated by a separator, the separator being a codec (default codec, page 5, §0064, lines 7-12).

Claim 16, Chu discloses the method of claim 15, wherein the separator is a default codec type (default codec, page 5, §0064, lines 7-12).

Claim 17, Chu discloses the method of claim 15, wherein the separator is pulse code modulation (PCM) (default codec, page 5, §0064, lines 7-12; page 4, §0052).

Claim 18, Chu discloses, a network node (Fig. 2 el. 38) for transferring media data (Page 2, § 0030) subject to coding or decoding performed by a codec (Fig. 2 el. 38), the data including audio data, video data or a combination (Page 2, § 0030) between at least two terminating devices in a telecommunications network (Fig. 1, el. 1, 12, 10, 20, 18, 22, 24):

the network node comprising (Fig. 2 el. 38):

an input output unit for sending and receiving messages (Fig. 1 el. 14, 24);

receiving information about codecs supported on a communication path between the network node and one of the at least two terminating devices (Fig. 2 el. 38, 30);

a generation unit for providing a list of codec types or configurations or both that are supported by (Fig. 2 el. 36, 40, 44, 42):

the network node (Fig. 1 el. 38);

the one of the at least two terminating devices (Fig. 1, el.10, 18); and

all the network nodes in the communication path between the network node and one of the at least two terminating devices (Fig. 1, el.14, 10);

a comparing unit (codec selector, Fig. 2, el. 40, 42; Page 3, § 0034) for comparing the received information about codecs with the list of codec types or configuration or both (Fig. 2, el. 30, 38); and

means for utilizing the list of codec types or configurations or both for coding or decoding or both (Fig. 2, el. 38, 30;Table 1, Mobile 24/Base station, Mobile 14/Base station) if at least one transcoding is implemented in the communication path (page 4, §0052, lines 5-8; §0053, line 6), wherein the codec types or configurations or both that are supported directly form a first part of the list (codec support by node Fig. 2 , el. 38) and codec types or configurations or both that can be used only if the at least one transcoding is implemented form a second part of the list (codec support by Base Station, Fig. 2 , el. 30,Page 4, §0052, lines 5-8), wherein the first part of the list and the second part of the list are separated by a separator, the separator being a codec (default codec, page 5, §0064, lines 7-12).

Claim 19, Chu discloses the network node of claim 18, wherein the separator is a default codec type (default codec, page 5, §0064, lines 7-12).

Claim 20, Chu discloses the network node of claim 18, wherein the separator is pulse code modulation (PCM) (default codec, page 5, §0064, lines 7-12; page 4, §0052).

Claim 21, Chu discloses a method, in a telecommunications network (Fig. 1, el. 14,12, 10, 20, 18, 22, 24), for selecting at least one of a codec or decoder type for coding or decoding media data including audio data, video data or a combination of both (Fig. 2, el. 38) for transfer between a mobile terminal (Fig. 1, el. 14) and a server (Fig. 2, el. 10) wherein a communication path between the mobile terminal and the server comprises a first call leg to the mobile terminal and a second call leg to the server (Fig. 1, el. 14,12, 10, 20, 18, 22, 24), the method comprising the steps of;

receiving or generating a first list of codec types or configurations or both for the first call leg (Page 4, §0040, provide a list as first list, Q8 codec; Fig. 2, el. 36, el. 44);

receiving or generating a second list of codec types or configurations or both for the second call leg (Page 4, §0040, provide a list as second list, Q13, EVRC, SMV; Fig. 2, el. 30, 36, el. 44), wherein the first and second list (Fig. 2, el. 44) each comprise (Fig. 2, el. 42, 40) a first part with codec types or configurations or both supported by all nodes (Page 4, §0040, provide a list as first list, Q8 codec; Fig. 2, el. 36, el. 44) involved in coding or decoding of media data transferred on the respective call leg and supported by the respective terminating device and a second part comprising codecs or configurations or both (Page 4, §0040, provide a list as second list, Q13, EVRC,SMV; Fig. 2, el. 30, 36, el. 44) that can only be used if at least one transcoding is implemented in the first call leg or second call leg (Page 4, §0052, §0053);

detecting a separator between a first part and a second part of the first or the second list, wherein the separator is a codec (default codec, page 5, §0064, lines 7-12);

comparing the first and second list (codec selector, Fig.2, el 40);

selecting a codec type or configuration or both from the first list (Page 4, § 0040); and

selecting a codec type or configuration or both from the second list (page 3, § 0034, 0035, Table 1, Mobile 24/Base station 18 and Mobile 14/Base station 10)

Claim 22, Chu discloses the method of claim 21, wherein the separator is a default codec type (default codec, page 5, §0064, lines 7-12).

Claim 23, Chu discloses the method of claim 21, wherein the separator is a pulse code modulation (PCM) (default codec, page 5, §0064, lines 7-12; page 4, §0052).

Claim 24, Chu discloses the method of claim 21, further comprising the step of:

comparing the first part of the first list and the first part of the second list for determining that the first part of the first list and the first part of the second list each comprise at least one codec type or codec configuration(Table 1, Page 3,§ 0037 ; § 0038).

Claim 25, Chu discloses the method of claim 21, further comprising the step of determining that the first part of the first list or the first part of the second list does not comprise at least one codec type or configuration, wherein the first part of either list that comprises at least one codec type or configuration is compared to the second part of the respective other list (Page 4, § 0052; § 0053).

Claim 26, Chu discloses the method of claim 21, further comprising the step of comparing the second part of the first list with the second part of the second list and determining that none of the list comprises a first part with at least one codec type or configuration(Page 4, § 0052; § 0053).

Claim 27, Chu discloses The method of claim 21, wherein the selecting steps are performed by evaluating a priority table (Table 1, wireless link 22 and link 12; Page 4, § 0040).

Claim 28, Chu discloses the method of claim 27, wherein the priority table is a triangular matrix comprising elements along the matrix diagonal referring to transcoder free transmission and further elements in the upper or lower triangular referring to

transmission of data where transcoding is required (Table 1, wireless link 22 and link 12).

Claim 29, Chu discloses a device (Fig. 2, el. 14) for selecting one of a coder or decoder type or configuration or both, for coding or decoding or both (Fig. 2, el. 38) of media data, including audio data or video data or a combination of both (Page 2, §0019 , lines 19-26), for transfer between first and second terminating devices connected to a telecommunications network (Fig. 1, el. 14,12, 10, 20, 18, 22, 24) comprising (Fig. 2, el. 38) a first network node (Fig. 1, el. 14; Fig. 2, el. 38) and a second network node (Fig. 1, el. 24), wherein a terminating device is a mobile terminal (page 2, § 0024) or a server and a communication path between the first and the second network node comprise a first call leg (Fig. 2, el. 14, el. 38) to the first terminating device (Fig. 2, el. 10, el. 30) and a second call leg (Fig. 1, el. 24) to the second terminating device (Fig. 1, el. 18) , the device comprising:

an input unit

for receiving a first list of codec types or configurations or both for the first call leg (Fig. 2, el. 36, el. 44; Page 4, §0040, provide a list as first list Q8 codec), and

for receiving a second list of codec types or configurations or both for the second call leg (Fig. 2, el. 36, el. 44; Page 4, §0040, provide a list as second list, Q13, EVRC, SMV);

a comparing unit (Fig. 2, el. 36, 40, 42, 44) for comparing the first and second list (Fig. 2, el. 36, 40, 42, 44; Page 3, §0034 and § 0037), wherein the comparing unit is adapted for

detecting a separator separating a first part and a second part of a list of codec types or configurations or both supported by all nodes involved in coding or decoding or both of media data transferred on a respective call leg and supported by the respective terminating device (default codec and active codec, page 5, §0064); the second part comprising codec types or configurations or both that can be used only if at least one transcoding is implemented in the respective call leg (Page 5, § 0065, § 0066; Page 4, § 0052), and

detecting if one or both of the lists do not comprise any codec type or configuration in the first part (page 4, Table 2, § 0052); and

a selecting unit for selecting a codec type or configuration or both from the first list and the second list according to a result of the comparing step (page 4, Table 2).

Claim 30, Chu discloses the device of claim 29, further comprising storage for storing a priority table, wherein the selecting unit is adapted to use contents of the priority table for selecting elements referring to transcoder free transmission and further

elements referring to transmission of data where transcoding is required (Page 4, Table 2, § 0040, § 0058; Page 3, Table 1).

Claim 31, Chu discloses the device of claim 29, wherein the separator is a default codec type (default codec, page 5, §0064, lines 7-12).

Claim 32, Chu discloses the device of claim 29, wherein the separator is Pulse Code Modulation (PCM) (default codec, page 5, §0064, lines 7-12; page 4, §0052).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MITRA SHAMOULIAN whose telephone number is (571)270-7912. The examiner can normally be reached on Monday to Thursday 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Train can be reached on (571)272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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1/15/2009
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